

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	CR15-00707-PHX-SRB
vs.)	Phoenix, Arizona
)	March 4, 2016
Abdul Malik Abdul Kareem,)	
)	
Defendant.)	
)	
)	

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #12
TESTIMONY: NATHANIEL SOOFI

APPEARANCES:

For the Government:

U.S. ATTORNEY'S OFFICE
By: **Kristen Brook, Esq.**
Joseph Edward Koehler, Esq.
40 North Central Avenue, Suite 1200
Phoenix, AZ 85004

For the Defendant Abdul Malik Abdul Kareem:

MAYNARD CRONIN ERICKSON CURRAN & REITER PLC
By: **Daniel D. Maynard, Esq.**
Mary Kathleen Plomin, Esq.
3200 North Central Avenue, Suite 1800
Phoenix, AZ 85012

Official Court Reporter:

Elizabeth A. Lemke, RDR, CRR, CPE
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, SPC 34
Phoenix, Arizona 85003-2150
(602) 322-7247
Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record.

THE WITNESS: My name is Nathaniel Soofi.

THE COURT: If you would walk over here and go around the side and up the steps and sit in this chair.

You may proceed, Mr. Maynard.

MR. MAYNARD: Thank you, Your Honor.

NATHANIEL SOOFI, WITNESS, SWORN

DIRECT EXAMINATION

Q Nathaniel, you're going to need to talk into the microphone when I ask you questions. Okay?

A Okay.

Q Do you want to pull it a little closer to you or is that pretty good? All right.

Would you tell the jury what your name is.

A Where is the jury?

THE COURT: That's the jury right there. Those ladies and gentlemen that are waving at you.

THE WITNESS: Oh. Okay.

BY MR. MAYNARD:

Q Can you tell them your name?

A All right. My name is Nathaniel Soofi.

Q And how old are you?

A I'm nine years old.

Q And where do you go to school?

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 A Canyon Ridge.

2 Q And what grade are you in?

3 A Fourth.

4 Q Okay. Do you have any particular subjects that are your
5 favorites?

6 A My favorite subject is math.

7 Q Do you play any sports?

8 A I play basketball and soccer.

9 Q Which one is your favorite?

10 A Soccer.

11 Q Are you pretty good?

12 A Yeah.

13 Q Okay. Now, I'm going to ask you a few questions and I'm
14 going to show you a couple of pictures.

15 Your Honor, can I approach the Clerk and get some
16 exhibits to put on the overhead?

17 THE COURT: Yes.

18 MR. MAYNARD: Can I have 393, 394?

19 BY MR. MAYNARD:

20 Q Nathaniel, I'm going to put a picture up here. Have you
21 ever seen that apartment before?

22 A Yes.

23 Q And can you tell the jury who lived in that apartment?

24 A Me, my dad, he had a roommate named Ibrahim, and then my
25 uncle.

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 Q And what was your uncle's name?

2 A Ali.

3 Q Okay. And how often would you come over and stay with
4 your dad in this apartment?

5 A I think like two days a week.

6 Q Was it normally on the weekends, like Saturday and Sunday?

7 A Yeah.

8 Q Okay. And when you stayed there, how many bedrooms were
9 in this apartment?

10 A There was one bedroom.

11 Q And who stayed in the bedroom?

12 A Me and my dad.

13 Q Okay. Well, where would your uncle Ali sleep?

14 A He would sleep on the couch.

15 Q And do you see the couch in this picture?

16 A Yes.

17 Q Okay. And was the couch sort of an L-shaped couch?

18 A Yeah. It was an L-shaped.

19 Q Okay. And you said that there was another man, a
20 roommate, his name was Ibrahim?

21 A Yes.

22 Q Okay. Would he -- where would he sleep?

23 A He would sleep on the other part of the L-section couch.

24 Q Okay. Okay. So your uncle would sleep on one part and
25 Ibrahim would sleep on the other?

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 A Yes.

2 Q Do you know this man that's sitting over here in the blue
3 shirt?

4 Stand up.

5 A Yes, but I forgot his name.

6 Q Okay. Did he ever come over and spend the night with you
7 and your dad and your uncle and Mr. Simpson or Ibrahim?

8 A No, not that I remember of.

9 Q You don't ever remember seeing him spend the night there.
10 No?

11 A No.

12 Q Did he ever come over to the house?

13 A Yeah.

14 Q Okay. How often do you remember him coming?

15 A Not that often.

16 Q Okay. Did you ever go to his house?

17 A No.

18 Q Do you remember whether or not he ever cut your hair?

19 A No.

20 Q No? Don't remember? Okay.

21 THE COURT: Well, let me ask.

22 Do you remember? Or are you sure he never did?

23 THE WITNESS: Yeah.

24 THE COURT: Did he ever cut your hair?

25 THE WITNESS: No.

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 MR. MAYNARD: No. Okay.

2 BY MR. MAYNARD:

3 Q And you don't think you ever went to his house then?

4 A No.

5 Q Okay. Now, your -- you would go sometimes on the week or
6 you would go -- was it almost every weekend to your dad's
7 house?

8 A Yeah.

9 Q Did you and your dad ever go out shooting guns?

10 A Yeah.

11 Q How often would you do that?

12 A I only did it twice.

13 Q Okay. Did this man over here, do you know him as Abdul
14 Kareem or Malik? Does that ring a bell?

15 A Yeah, sort of.

16 Q You just didn't see him very often, huh?

17 A Yeah.

18 Q Okay. Did he ever go shooting with you and your dad?

19 A No.

20 Q Who, if anybody, went shooting with you and your dad?

21 A Ali. And then once was with my grandpa.

22 Q Your grandpa. Did you go shooting with your grandpa in
23 Kansas?

24 A Yeah.

25 Q Did you go see your grandpa sometime around the new year

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 this past year?

2 A Yeah.

3 Q About a year ago?

4 A Yeah.

5 Q Okay. Did you ever -- did your dad ever tell you that --
6 about a contest where they were going to draw pictures of the
7 Prophet Muhammad?

8 A Yes.

9 Q And what did he tell you about that?

10 A That they were going to draw pictures of the Prophet
11 Muhammad and like they were doing it to like make fun of his
12 religion.

13 Q Okay. Do you remember anything else your dad told you
14 about that?

15 A Well, I remember he said like it was in Texas.

16 Q Did he tell you if he thought that that was a bad thing or
17 a good thing?

18 A Yeah. He said it was a bad thing.

19 Q Did he tell you whether or not he was going to try to do
20 something about it?

21 A Yeah. He told me that he was going to do something.

22 Q What did your dad tell you he was going to do about this
23 drawing contest?

24 A He said he was going to go there. He was going to go to
25 Texas and go there and then he was going to go in the building

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 and start shooting.

2 Q And was anybody around when he told you this?

3 A No.

4 Q Did he ever discuss going to Texas when Ibrahim was
5 around?

6 A No.

7 Q Okay. Did your dad have some guns?

8 A Yes.

9 Q And do you know how many guns your dad had?

10 A He had two guns.

11 Q What kind of guns do you remember your dad had?

12 A He had an assault rifle and a pistol.

13 Q Do you remember whether or not he had a gun that had a
14 collapsable stock that sort of folded under?

15 A Yeah.

16 Q So did he have three guns or two?

17 A Actually, yeah, he had three.

18 Q Okay. Do you know where your dad bought his assault
19 rifle?

20 A No.

21 Q Do you have any remembrance of when he bought the assault
22 rifle?

23 A No. I don't remember when he bought it.

24 Q Other than your Uncle Ali and Ibrahim and you and your
25 dad, did anyone else ever spend the night in that apartment?

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 A No.

2 Q So just the four of you?

3 A Yeah.

4 Q Okay. Did -- excuse me.

5 Did your dad ever show you any videos of people
6 getting killed?

7 A Yes.

8 Q How many times did he do that?

9 A About like five, six times.

10 Q Okay. Well, was there ever anybody else there when he
11 showed you those?

12 A No.

13 Q Okay. When you were there on the weekends, were those
14 videos playing all the time or did your dad just show them to
15 you, just the two of you?

16 A Just with the two of us.

17 Q Okay. What did you -- I mean on the weekends when you
18 would go see your dad, what else did you do? Did you ever
19 play soccer with him?

20 A Yeah. I played soccer with him.

21 Q Did you guys just hang out?

22 A Yeah.

23 MR. MAYNARD: Okay. Just a second, Judge.

24 BY MR. MAYNARD:

25 Q You told me just a minute ago your dad told you about what

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 he was planning to do in Texas. Okay?

2 A Yes.

3 Q Did Ibrahim ever tell you that he was planning to go also?

4 A Yeah.

5 Q Okay. Can you tell us what Ibrahim told you?

6 A Well, my dad told me that he was going to go and, yeah.

7 Q Okay. Did your dad tell you anybody else was going to go
8 or was it just the two of them?

9 MR. KOEHLER: I'm going to object to the form of the
10 question.

11 THE COURT: What's wrong with the form?

12 MR. KOEHLER: It's compound, number one; number two,
13 it should be limited to the first part of that question.

14 THE COURT: Okay. It was compound.

15 Rephrase the question, Mr. Maynard.

16 BY MR. MAYNARD:

17 Q Did your dad tell you Ibrahim was going too?

18 MR. KOEHLER: Objection. Asked and answered.

19 THE COURT: Overruled. You may answer.

20 THE WITNESS: Yeah.

21 BY MR. MAYNARD:

22 Q Did Ibrahim ever tell you he was going?

23 A No.

24 Q Okay. Do you see the people that are sitting at this
25 table?

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 A Yes.

2 Q Okay. Have you ever seen them before?

3 A Yeah.

4 Q Did you go to their office two or three weeks ago and talk
5 to them?

6 A Yeah.

7 Q Did you tell them the same thing that you've told us
8 today?

9 A Yes.

10 MR. MAYNARD: Okay. I don't have any further
11 questions.

12 THE COURT: Thank you.

13 Ms. Brook or Mr. Koehler?

14 CROSS EXAMINATION

15 BY MR. KOEHLER:

16 Q Good afternoon.

17 A Good afternoon.

18 Q You mentioned a few minutes ago that you stayed with your
19 dad on weekends; is that right?

20 A Yeah.

21 Q Saturday and Sunday?

22 A Yeah.

23 Q So you stayed overnight on Saturday?

24 A Yeah.

25 Q And that was the only night you stayed over?

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 A Uh-huh.

2 Q When you said that --

3 THE COURT: Is that "yes"? You said "uh-huh." Did
4 you mean "yes"?

5 THE WITNESS: Uh-huh.

6 THE COURT: It's a "yes."

7 BY MR. KOEHLER:

8 Q Just a few minutes ago you mentioned that your dad told
9 you about this contest in February.

10 Do you remember the approximate timing of when your
11 dad told you about the contest?

12 THE COURT: I'm confused because there was no
13 discussion of February.

14 BY MR. KOEHLER:

15 Q You mentioned that your dad told you about the contest
16 coming up in May in Texas.

17 Do you remember approximately what month it was when
18 your dad told you about that contest coming up?

19 A Like, yeah, it was like late February.

20 Q And how did you know that it was late February?

21 A Because it was like kind of like warming up from the
22 winter.

23 Q Was it still cold out?

24 A A little bit.

25 Q Before he talked to you about this contest in Texas, did

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 your dad tell you about another plan to do something to people
2 who were not of his religion?

3 A Yeah.

4 Q And was one of those things he told you about going to
5 shoot up a military recruiting station?

6 A Yeah.

7 Q Did your dad also talk to you about driving past an Air
8 Force base?

9 A Yeah.

10 Q And wanting to run over people there with his car?

11 A Yeah.

12 Q Did your dad tell you that he learned about that Texas
13 contest on the Internet?

14 A Yes.

15 Q Did he tell you not to tell anything about -- did he tell
16 you not to tell anyone else about this contest?

17 A Yes.

18 Q So was it a secret?

19 A Yes.

20 Q You didn't tell your mom; is that right?

21 A Yes.

22 Q Did you overhear your dad and Ibrahim talk about it on
23 those Saturday nights or Saturday and Sunday days when you
24 were at the apartment?

25 A Yeah.

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 Q Was one of the videos that your dad showed you a video
2 showing people being walked along a beach next to the ocean?

3 A Yes.

4 Q Were there people in orange jumpsuits in the video?

5 A I'm pretty sure, yeah.

6 Q And did you see those people have their throats cut?

7 A Yes.

8 Q Did your dad ever tell you why he was showing you these
9 kinds of videos?

10 A Yeah.

11 Q What did he tell you was the reason for showing those to
12 you?

13 A Like he said, like he -- like another one of his plans was
14 like traveling by plane, like -- and going to join like the
15 Muslim Army and like that might be one of the things he would
16 do -- or I mean he does.

17 Q So he told you he wanted to travel by air to go back to
18 the Middle East?

19 A Yeah.

20 Q Did he tell you what country he was going to go to?

21 A No.

22 Q But he told you he was going to join the Muslim Army?

23 A Yes.

24 Q And do the same kinds of things you were seeing in that
25 video?

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 A Yeah.

2 Q Did your dad use gloves when he handled the guns inside
3 the house?

4 A Yes.

5 Q Did he use them not to leave fingerprints on the guns and
6 on the bullets?

7 A Yes.

8 Q When your dad talked about things like this, would he
9 leave his phone in the other room?

10 A Yes.

11 Q Did he tell you why he would leave his phone in the other
12 room?

13 A Yeah.

14 Q Why?

15 A He says because like there's like this new technology or
16 something like that put in the phone. And like they could --
17 these people could listen to you, like in what you're saying.

18 MR. KOEHLER: May I have a moment, Your Honor.

19 THE COURT: Yes.

20 BY MR. KOEHLER:

21 Q I'm not sure your answer to the last question about
22 leaving the phone in the other room was audible. Could you
23 please repeat your answer about that?

24 THE COURT: I'll read what he said.

25 MR. KOEHLER: Okay. That would be fine.

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

1 THE COURT: "He says because like there's like this
2 new technology or something like that put in the phone. And
3 like they could -- these people could listen to you, like in
4 what you're saying."

5 BY MR. KOEHLER:

6 Q So from that was your dad worried about people overhearing
7 him talk about this kind of thing?

8 A Yeah.

9 MR. KOEHLER: No further questions.

10 THE COURT: Mr. Maynard, any further questions?

11 MR. MAYNARD: No, ma'am.

12 THE COURT: Nathaniel, thank you very much. You may
13 step down and you may be excused.

14 THE WITNESS: Can I go sit with my mom?

15 THE COURT: You can go sit with your mom and you can
16 stay if you want, but you and your mom can leave if she wants
17 you to do that.

18 Please call your next witness.

19 (End of Excerpt of Proceedings.)

20 * * *

21

22

23

24

25

CR15-00707-PHX-SRB

NATHANIEL SOOFI

3-4-16

C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 7th day of March, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE